

REMARKS

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they did not include reference signs mentioned in the description: the "warning light 123" and the "mold chamber 112." A corrected drawing sheet is submitted herewith.

The Examiner objected to the disclosure because of the following informalities: at page 4, line 15, the second time chute is referenced, its reference numeral should be "139" instead of "135"; and at page 5, line 19, the "mold chamber 126" should have been referenced as "mold chamber 112." The specification has been amended to correct these informalities as well as other informalities. No new matter has been added.

The Examiner rejected claims 13-15 and 17-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 13-15 have been amended to depend from claim 9 in line with the Examiner's assumption. Claims 17-19 have been amended to depend from claim 16 in line with the Examiner's assumption.

The Examiner rejected claims 1, 3, 4, 6, 7, 9-11, 13, 16 and 18 under 35 U.S.C. §103(a) as being unpatentable (obvious) over Newton (U.S. Pat. No. 2,025,069) in view of Cziraky (U.S. Pat. Publ. No. 2003/0107152).

As acknowledged by the Examiner, Newton does not teach or suggest a (1) housing defining a restricted access area with a (2) door for containing the stationary melting chamber and the mold. Independent Claim 1 has also been amended to include a mold chamber defined in part by the door and interior sidewalls of the housing and a mold having two parts within the mold chamber, where the two parts are held together in part by the door when the door is closed. Newton also does not teach or suggest this feature.

Cziraky does not cure the deficiencies of Newton. Cziraky does not teach or suggest, among other things, a housing with a door. Rather, Cziraky discloses a toy molding device with a hinged cover 112. Further, Cziraky does not teach or suggest a mold chamber defined in part by the door and interior sidewalls of the housing or a mold having two parts within the mold chamber, where the two parts are held together in part by the door when it is closed.

For these and other reasons, Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. Accordingly, independent claim 1 is allowable. Claims 3, 4, and 6 depend from independent claim 1 and are allowable for the same and other reasons. For example, the additional subject matter defined by dependent claim 4 provides separate bases for allowance.

Claim 4 depends from claim 3, which depends from claim 1. Claims 3 and 4 recite a “gate for alternatively permitting and preventing flow between the melting chamber and the mold” and “an interlock between the gate and the door, which prevents the door from moving from the closed position when the gate is permitting flow.” As acknowledged by the Examiner, Newton does not teach or suggest a (1) housing defining a restricted access area with a (2) door for containing the stationary melting chamber and the mold or an (3) interlock between the gate and the door, which prevents the door from moving from the closed position when the gate is permitting flow.

Newton discloses a casting machine for making toys with a stationary melting chamber 22, an electrically powered heating element adjacent to the melting chamber 50, a mold connected to the melting chamber 5,12, and a gate 30 for alternatively permitting and preventing flow between the melting chamber and the mold.

The Examiner suggests that Newton “discloses that features of the apparatus can be disabled based on the position of the gate in order to prevent the likelihood of the operator being injured from

the hot molding material.” Applicants respectfully disagree with this generalized characterization.

At page 2, col. 1, lines 57-62, Newton states:

In order to avoid the likelihood of a child discharging the metal from the melting pot while inadvertently leaving the mold open, provision is desirably made of means for preventing actuation of the handle to unseat the valve when the mold sections are separated.

Newton goes on to describe that the position of the valve depends upon the position of the molds (page 2, col. 1, lines 62-73). Newton does not teach or suggest that *any* feature of the apparatus can be disabled based on the position of the valve.

Cziraky does not cure the deficiencies of Newton. As discussed above with respect to independent claim 1, Cziraky does not teach or suggest, among other things, a housing with a door. Rather, Cziraky discloses a toy molding device with a hinged cover 112. The Examiner contends that the housing in Cziraky prevents the user from contacting the molding material during operation. But Cziraky prevents the user from contacting the molding material only for a predetermined amount of time based on a timer, not based upon operation of the device, or more particularly, on the position of the gate or the flow of the material. Neither Cziraky nor Newton teaches or suggests a housing with a door or an interlock between the gate and the door, which prevents the door from moving from the closed position when the gate is permitting flow.

Assuming *arguendo* that the subject matter of independent claim 1 is provided by the references considered cumulatively, there is no teaching or suggestion in Newton or Cziraky to combine the teachings of the references as suggested by the Examiner. The fact that Newton specifically teaches an interlock between the valve and the mold does not suggest or teach generally an interlock between a gate and any other feature of the device, or more particularly an interlock between a gate and a door that grants access to a restricted access area of the device.

Therefore, Applicant respectfully submits that there is no *prima facie* case of obviousness of claim 1 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by dependent claims 3 and 4. Accordingly, dependent claims 3 and 4 are allowable.

Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by independent claim 7. Independent claim 7 is currently amended to include an interlock between the gate and the door, which prevents the door from moving from the closed position when the gate is permitting flow. Also, Applicant respectfully submits that there is no motivation to combine Newton and Cziraky as suggested by the Examiner. Rather than repeat the arguments set forth above with respect to these contentions, for brevity's sake, Applicant refers to the relevant discussion above of dependent claims 3 and 4. For these and other reasons, independent claim 7 is allowable.

Claims 9-11 and 13 depend from independent claim 7 and are allowable for the same and other reasons. The additional subject matter defined by the dependent claims 9-11 and 13 also provides separate bases for allowance. For example, claim 9 depends from claim 7 and recites a heating element within the melting chamber. Newton or Cziraky, alone or in combination, do not teach or suggest the subject matter defined by Claim 9. As the Examiner states, Newton discloses an electrically powered heating element *adjacent to* the melting chamber, referring to Figure 1. Figure 1 depicts the heating element outside of and adjacent to the melting chamber. Claim 9 calls for the heating element to be *within* the melting chamber. For these and other reasons, claim 9 is allowable.

New claim 20 depends from independent claim 7 and is allowable for the same and other reasons. The additional subject matter defined by dependent claim 20 provides separate bases for allowance. For example, claim 20 calls for the melting chamber and the flow path to be inclined to facilitate the flow of the of liquid wax. Newton or Cziraky, alone or in combination, do not teach or suggest an inclined flow path and melting chamber as defined by Claim 20. For these and other reasons, claim 20 is allowable.

Independent claim 16 recites a housing substantially surrounding the melting chamber and the mold so as to restrict access by a user to the melting chamber an the mold, the housing including a door having an open position which provides access to the mold and a closed position which prevents access to the mold and an interlock that prevents the door from moving to the open position when the gate is in the open position. As acknowledged by the Examiner, Newton does not teach or suggest a (1) housing defining a restricted access area with a (2) door for containing the stationary melting chamber and the mold or an (3) interlock between the gate and the door, which prevents the door from moving from the closed position when the gate is permitting flow.

Cziraky does not cure the deficiencies of Newton. As discussed above with respect to independent claim 1, Cziraky does not teach or suggest, among other things, a housing with a door. The Examiner contends that the housing in Cziraky prevents the user from contacting the molding material during operation. As discussed above with respect to dependent claims 3 and 4, Cziraky prevents the user from contacting the molding material only for a predetermined amount of time based on a timer, not based upon operation of the device, or more particularly, on the position of the gate or the flow of the material. Neither Cziraky nor Newton teaches or suggests a housing with a door or an interlock between the gate and the door, which prevents the

door from moving from the closed position when the gate is permitting flow. Furthermore, neither Cziraky nor Newton teaches or suggests a housing with a door and interlock that together permit access to the mold when open and prevent access to the mold when the door is closed.

For these and other reasons, Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by independent claim 16. Accordingly, independent claim 16 is allowable. Claim 18 depends from independent claim 16 and is allowable for the same and other reasons.

New claim 21 depends from independent claim 16 and is allowable for the same and other reasons. The additional subject matter defined by dependent claim 21 provides separate bases for allowance. For example, claim 21 calls for the melting chamber to be composed in part of molded silicone. Both Newton and Cziraky disclose melting chambers made of metal, which will obviously transmit and retain heat more than silicone. For these and other reasons, claim 21 is allowable.

The Examiner rejected claims 2, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Newton modified by Cziraky as applied to claims 1, 3, 4, 6, 7, 9-11, 13, 16, and 18, and further in view of Lebensfeld et. al. (U.S. Pat. No. 5,954,115).

Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by independent claims 1, 7, and 16, from which claims 2, 15 and 17 depend. Also, Applicant respectfully submits that there is no motivation to combine Newton and Cziraky as suggested by the Examiner. Again, rather than repeat the arguments set forth above with respect to these contentions, for brevity's sake, Applicant refers to the relevant discussion above of independent claims 1, 7, and 16.

For these and other reasons, dependent claims 2, 15, and 17 are allowable.

The Examiner rejected claims 5, 12, 14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Newton modified by Cziraky as applied to claims 1, 3, 4, 6, 7, 9-11, 13, 16 and 18 above, and further in view of Garza (U.S. Pat. No. 6,033,606).

Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by independent claims 1, 7, and 16, from which claims 5, 12, 14, and 19 depend. Further, the additional subject matter defined by the dependent claims also provides separate bases for allowance. For example, claim 12 depends from claim 9, which depends from claim 7, and recites a thermostatic switch for sensing the temperature of the melting chamber and controlling electricity to the heating element. Claim 19 depends from claim 16 and recites a high-temperature switch that senses when the melting chamber temperature reaches a predetermined value and interrupts the supply of electrical current to the electrical heating element.

As acknowledged by the Examiner, Newton and Cziraky do not disclose a temperature control switch for controlling electricity to the heating element based on the temperature of the melting chamber. Garza does not cure the deficiencies of Newton and Cziraky. Garza discloses a molding device that may be provided with a thermostatic switch that shuts off the heating element based on the temperature of the heating element. Garza does not disclose a thermostatic switch that shuts off the heating element based on the temperature of the melting chamber as required by claims 12 and 19.

Newton, Cziraky, and Garza, alone or in combination, do not teach or suggest the subject matter defined by dependent claims 12 and 19. Also, Applicant respectfully submits that there is no motivation to combine Newton, Cziraky, and Garza as suggested by the Examiner.

For these and other reasons, Newton, Cziraky, and Garza, alone or in combination, do not teach or suggest the subject matter defined by dependent claims 5, 12, 14, and 19. Accordingly, dependent claims 5, 12, 15, and 19 are allowable.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Newton as modified by Cziraky as applied to claims 1, 3, 4, 6, 7, 9-11, 13, 16 and 18 above, and further in view of Saffer et. al. (U.S. Pat. No. 4,299,548).

Claim 8 depends from claim 7 and is patentable for the same and other reasons. Newton and Cziraky, alone or in combination, do not teach or suggest the subject matter defined by claim 8. Claim 8 recites a filler tube leading to the melting chamber for receiving a wax piece from outside the housing.

As acknowledged by the Examiner, Newton and Cziraky do not disclose a filler tube leading to the melting chamber. Saffer does not cure the deficiencies of Newton and Cziraky. Saffer discloses a toy casting machine with a "loading mechanism." In Saffer, plastic material is placed through an aperture in the cover into a ring, positioned to slide along a chamber within the cover. The ring and plastic material are then slid to the center of the cover, where the plastic material drops through an aperture in the bottom of the chamber within the cover into the melting chamber. Although this mechanism allows for a piece of wax to be received from outside the housing, Saffer fails to disclose a tube leading to the melting chamber.

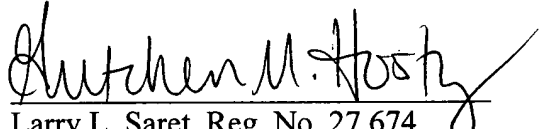
For these and other reasons, dependent claim 8, is allowable.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that claims 1-21 are each patentable, and allowance is requested. The Examiner is invited to call Applicants' attorney to discuss any remaining issues.

Respectfully submitted,

Date: May 17, 2005


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File No. 022150-9002-00